

### **REMARKS**

Upon entry of the above amendment, the claims will be 18 to 20.

The above amendment presents a new set of claims responsive to points set forth in the Official Action and cancels the withdrawn claims.

The formed products of claims 18 to 20 are formed by processing a steel bar or wire as a raw material, the steel having an ultra fine structure comprising ferrite grains or elongated ferrite grains of shorter diameter of average grain diameter of 3  $\mu\text{m}$  or less. Support is evident from the specification as filed. For example, they are disclosed in the first paragraph at page 8 and several embodiments. No new matter is entered by these amendments.

Claims 1 to 5 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Yasuhara (U.S. 6,221,179).

This rejection is respectfully traversed.

Yasuhara et al. disclose a hot rolled steel bar having ultra fine grains, which comprises a ferrite phase as a primary phase and has an average diameter of ferrite grains of less than 2  $\mu\text{m}$  with an aspect ratio of less than 1.5. The product disclosed in Yasuhara et al. is a steel sheet that is applicable to automobile structural use, home electric structural use, machine structural use or building structural use. There is no disclosure of a steel bar or wire having the same ultra fine ferrite grains as the steel bar or wire of Yasuhara et al.

The formed products of claims 18 to 20 herein include, for example, a screw, a bolt and a rivet, which are disclosed in embodiments of the application, and are not generally formed from the steel sheet.

The formed product of the invention must be formed only from a steel bar or wire and the steel bar or wire must be the one having an ultra fine structure as specified in claims 18 and 19.

There is no basis in Yasuhara et al. for the concept that a steel bar or wire can be produced by the method disclosed.

Further, Yasuhara et al. do not disclose Vickers hardness of 200 or more not only of the steel sheet but also of any structural material to be formed from the steel sheet. Consequently,

the formed product of the invention is not be anticipated by Yasuhara et al. which only disclose a steel sheet but not a steel bar or wire.

Claim 6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yasuhara as applied to claims 1 to 4 above, and further in view of Saito (U.S. 2004/0112484).

Saito only disclose a steel sheet but not a steel bar or wire having an ultra fine structure as specified in claims 18 and 19.

Moreover, the effective date of Saito is June 17, 2004 since the PCT application on which it was based was published in Japanese as WO 02/077310, copy of cover page enclosed.

On the other hand, the International filing date of the present application and its effective date is October 17, 2003.

Yasuhara et al.'s deficiencies are discussed above. Thus, the combined reference teachings fail to suggest the present claims.


For the foregoing reasons, the rejections on prior art are untenable and should be withdrawn.

No further issues remaining, allowance of this application is respectfully requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact undersigned at the telephone number below.

Respectfully submitted,

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